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LUCAS COUNTY COURT OF COMMON

PLEAS

J. BERNIE QUILTER, CLERK

700 ADAMS STREET

TOLEDO, OHIO

TIME: 10:53:24
AM

DATE: 1/21/2021

Select Language



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EXHIBIT 1CASE: G-4801 -CI -202002532-
000

TITLE: TILLMAN V. FAMILY DOLLAR ETAL

JUDGE: STACY L COOK

FILING DATE: 7/13/2020

STATUS: CLOSED/TERM'D

CASE TYPE: CI

CIVIL

MONETARY AMOUNT:

ORIGINAL COURT:

PREVIOUS CASE NUMBER:

DOCKET/PAGE:

TAX TYPE:

STATE OF OHIO NUMBER:

	Party	Counsel
PLAINTIFF 1:	TILLMAN KRYSTAL 5454 RUDYARD RD SYLVANIA, OH 43560	LAFAYETTE E TOLLIVER 4192492703 316 N MICHIGAN ST SUITE 514 TOLEDO, OH 436241027
DEFENDANT 1:	FAMILY DOLLAR STORES OF OHIO INC 1121 N Reynolds RD TOLEDO, OH 43614	CHRISTOPHER E COTTER 3308496756 222 SOUTH MAIN STREET SUITE 400 AKRON, OH 44308
DEFENDANT 1:		LIDIA B EBERSOLE 4192427985 ONE SEAGATE SUITE 1700 TOLEDO, OH 43604
DEFENDANT 2:	J GOETZ BADGE 2641 C/O Toledo City Law Dept One Government Center #2250 TOLEDO, OH 43604	DALE R EMCH 4192451020 DIRECTOR OF LAW CITY OF TOLEDO ONE GOVERNMENT CENTER SUTIE 2250 TOLEDO, OH 43604
DEFENDANT 2:		JEFFREY B CHARLES 4192451020 ONE GOVERNMENT CENTER STE 2250 TOLEDO, OH 43604

DATE SEQ EVENT

7/13/2020 2 Title : OPN:COMPLAINT FILED
WITH JURY DEMAND
PARTY : P1 - TILLMAN KRYSTAL

- 7/14/2020 1 Title : FRM:CIVIL SUMMONS ISSUED
Form Number S2-212323
Issued by AMM (6835) FRM:CIVIL SUMMONS ISSUED
PARTY : D1 - FAMILY DOLLAR STORES OF OHIO INC
- 7/14/2020 2 Title : FRM:CIVIL SUMMONS ISSUED
Form Number S2-212324
Issued by AMM (6835) FRM:CIVIL SUMMONS ISSUED
PARTY : D2 - J GOETZ BADGE 2641
- 7/14/2020 3 Title : SRV:SUMM & COMPLT ISSUED
SUMMONS AND COPY OF COMPLAINT SENT CERTIFIED MAIL #
DOLLAR TREE 7019 0700 0000 5014 3122
2518 SOUTH REYNOLDS RD
TOLEDO, OH 43614
POLICE OFFICE JOHN JONES 7019 0700 0000 5014 3139
IN HIS OFFICIAL AND/OR PERSONAL CAPACITY
(UNKN NAME AT THIS TIME)
C/O 525 NORTH ERIE ST
TOLEDO, OH 43604
PARTY : P1 - TILLMAN KRYSTAL
- 7/21/2020 1 Title : PLD:NOTICE OF APPEARANCE
OF COUNSEL FILED ON BEHALF OF DEFENDANT DOLLAR TREE STORES
INC
PARTY : D1 - FAMILY DOLLAR STORES OF OHIO INC
- 7/27/2020 1 Title : MTN:EXTENSION OF TIME FILED
MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS
COMPLAINT FILED BY DEFENDANT OFFICER JOHN JONES
PARTY : D2 - J GOETZ BADGE 2641
- 7/29/2020 1 Title : PLD:AMENDED COMPLAINT
WITH JURY DEMAND
PARTY : P1 - TILLMAN KRYSTAL
- 7/30/2020 1 Title : PLD:NOTICE TO WITHDRAW
CITY OF TOLEDOS NOTICE OF WITHDRAWAL OF THE
CITY OF TOLEDOS PREVIOUSLY FILED MOTION FOR
EXTENSION OF TIME TO FILE ANSWER
PARTY : D2 - J GOETZ BADGE 2641
- 8/6/2020 1 Title : RTN:CERTIFIED MAIL
RETURN RECEIPT FOR CERTIFIED MAIL #7019 0700 0000 5014 3122
SIGNED: PB RT 1435 COVID 19
DATE: 07/18/2020
DOLLAR TREE
PARTY : D1 - FAMILY DOLLAR STORES OF OHIO INC
- 8/12/2020 1 Title : PLD:ANSWER TO AMEND COMPLAINT
ANSWER TO PLAINTIFFS AMENDED COMPLAINT BY DEFENDANT DOLLAR
TREE STORES INC JURY DEMAND ENDORSED THEREON
PARTY : D1 - FAMILY DOLLAR STORES OF OHIO INC
- 9/8/2020 1 Title : ORD:PRETRIAL ORDER
1.This cause is assigned for trial in Courtroom 2 on June

- 21, 2021 at 9:00 a.m. This is a firm date. (Counsel to be in chambers one half hour before trial.)
- 2.Final pretrial with clients present scheduled for May 19, 2021 at 10:00 a.m.
- 3.Telephonic status pretrial scheduled for November 18, 2020 at 9:00 a.m. The Court will initiate the call.
- 4.Expert witnesses to be called at trial shall be disclosed by plaintiff on or before November 27, 2020 and by defendant on or before December 11, 2020.
- 5.Names of fact witness(es) are to be exchanged by parties sixty (60) days prior to trial pursuant to Lucas County General Division Rule 5.06 (D).
- 6.Leave is hereby granted to all parties to file motions for summary judgment on or before March 12, 2021
- 7.Leave is further granted to file motions in limine on or before May 14, 2021. Responses are due according to local rule.
- 8.Discovery matters relating to the filing of motions for summary judgment shall be completed on or before February 26, 2021. All remaining discovery shall be completed on or before April 30, 2021.
- 9.Resolution of discovery disputes: No motion to compel or motion for protective order shall be filed unless the parties have undertaken in good faith to resolve discovery disputes and, if unable to do so, have next contacted the Court by phone or e-mail with a request for judicial resolution.
- 10.Parties shall file a trial brief not later than two weeks prior to trial. These briefs shall contain:
 - (a)a brief statement of facts and issues as to each claim or defense;
 - (b)a statement of the principles of law supported by citation of appropriate authority;
 - (c)an itemized list of the claimed special damages; and
 - (d)Request for Jury Instructions subject to the right of counsel to supplement the request during the trial on matters that could not be reasonably be anticipated.Proposed instructions shall be submitted to the Court via e-mail to Judge Stacy Cook's Civil Bailiff, Chuck Hatch at: chatch@co.lucas.oh.us
- 11.Index of deposition objections shall be filed not later than one week prior to trial.
- 12.Parties shall also file prior to trial a Joint Statement of the Case, to be read to the jury at the beginning of the trial, which shall include a brief statement of the facts, stipulations and contested issues;
13. Exhibits must be marked for identification purposes and shared with opposing counsel prior to trial with one set for the Court, one for the witness and one for each party.
- 14.Additional Orders (e.g. Mediation):
Parties are to notify the Court of any scheduled mediation dates.

Effective 10/1/2006, and in accordance with Gen. R. 5.07 (F) the party who filed the first jury demand must deposit \$200. at least 14 days prior to the scheduled trial date and send immediate notice to counsel for all other parties regarding the filing or failure to file the jury deposit. Thereafter, any other party may deposit \$200 at least 7 days prior to the scheduled trial date and send immediate notice to counsel for all other parties regarding the filing of the jury deposit. The failure by a party to pay the jury fee shall constitute waiver of the jury by that party. The failure by a party to provide the required notice of the filing or failure to file the jury deposit shall constitute a waiver of any objection to the payment of the jury fee by another beyond the time frame stated in this rule. Failure to comply with the foregoing orders may result in the exclusion of testimony or evidence at trial.

PARTY : -

- 9/8/2020 2 Title : EVT:ORDER FILE & JOURN EFF6/13
E JOURNALIZED 09-09-2020
PERTAINING TO:OHIO CIVIL RULE 16 PRETRIAL ORDER
Sent via email to P-1's attorney on 2020-09-09 11:02:29 AM:
LAFAYETTE E TOLLIVER
tolliver@juno.com
Sent via email to D-2's attorney on 2020-09-09 11:02:29 AM:
JEFFREY B CHARLES
jeffrey.charles@toledo.oh.gov
Sent via email to D-2's attorney on 2020-09-09 11:02:29 AM:
DALE R EMCH
DALE.EMCH@TOLEDO.OH.GOV
Sent via email to D-1's attorney on 2020-09-09 11:02:29 AM:
CHRISTOPHER E COTTER
ccotter@ralaw.com
Sent via email to D-1's attorney on 2020-09-09 11:02:29 AM:
LIDIA B EBERSOLE
LEBERSOLE@RALAW.COM
PARTY : P1 - TILLMAN KRYSTAL
- 9/8/2020 3 Title : PLD:NOTICE OF SERVICE
OF DISCOVERY REQUESTS
PARTY : D1 - FAMILY DOLLAR STORES OF OHIO INC
- 10/14/2020 1 Title : PLD:NOTICE
OF DEEMED ADMISSIONS
PARTY : D1 - FAMILY DOLLAR STORES OF OHIO INC
- 10/29/2020 2 Title : PLD:REQUEST FOR ADMISSIONS
PLAINTIFFS FIRST REQUEST FOR ADMISSIONS
PARTY : P1 - TILLMAN KRYSTAL
- 10/29/2020 3 Title : MTN:TO AMEND FILED
COMPLAINT TO CORRECT NAME OF DEFENDANT AND PROPER ADDRESS OF
INCIDENT
PARTY : P1 - TILLMAN KRYSTAL

- 10/30/2020 1 Title : PRO:MOTION TO AMEND GRANTED
For good and proper cause shown herein, this Court hereby allows the Plaintiff to amend her complaint for the reasons stated in the filed motion.
IT IS SO ORDERED.
PARTY : P1 - TILLMAN KRYSTAL
- 11/2/2020 1 Title : EVT:ORDER FILE & JOURN EFF6/13
E-JOURNALIZED 11/3/2020
PERTAINING TO: PLTF TO AMEND HER COMPLAINT FOR THE REASONS STATED IN THE MOTION
Sent via email to P-1's attorney on 2020-11-03 03:34:02 PM:
LAFAYETTE E TOLLIVER
tolliver@juno.com
Sent via email to D-2's attorney on 2020-11-03 03:34:02 PM:
JEFFREY B CHARLES
jeffrey.charles@toledo.oh.gov
Sent via email to D-2's attorney on 2020-11-03 03:34:02 PM:
DALE R EMCH
DALE.EMCH@TOLEDO.OH.GOV
Sent via email to D-1's attorney on 2020-11-03 03:34:02 PM:
CHRISTOPHER E COTTER
ccotter@ralaw.com
Sent via email to D-1's attorney on 2020-11-03 03:34:02 PM:
LIDIA B EBERSOLE
LEBERSOLE@RALAW.COM
PARTY : P1 - TILLMAN KRYSTAL
- 11/2/2020 2 Title : RETURN OF SERVICE ON SUBPOENA
RETURN ON SERVICE ON SUBPOENA TO TOLEDO POLICE DEPARTMENT
SERVED TPD FRONT DOOR/RECORDS ON 11/02/2020
\$12
TOLEDO POLICE DEPARTMENT
PARTY : P1 - TILLMAN KRYSTAL
- 11/6/2020 1 Title : PLD:AMENDED COMPLAINT
FIRST AMENDED COMPLAINT WITH JURY DEMAND
PARTY : P1 - TILLMAN KRYSTAL
- 11/18/2020 1 Title : ORD:ORDER
This matter came before the Court this 18th day of November, 2020, for a status pretrial conference.
Telephonically present were attorneys Lafayette Tolliver and Lidia Ebersole, on behalf of their respective clients.
On November 6, 2020, plaintiff filed a second amended complaint in which defendant, Dollar Tree Stores, Inc., was replaced with Family Dollar, Inc.. Counsel for defendant Dollar Tree Stores, Inc. does not represent Family Dollar, Inc.
To allow time for plaintiff's counsel to complete service on the statutory agent of Family Dollar, Inc., the Court hereby schedules this matter for an additional telephonic status conference for December 21, 2020 at 10:00 a.m. The Court will initiate the call.

All other dates listed in the September pretrial order are confirmed at this time.

IT IS SO ORDERED.

PARTY : -

- 11/19/2020 1 Title : EVT:ORDER FILE & JOURN EFF6/13
E JOURNALIZED 11-20-2020
PERTAINING TO:STATUS PRETRIAL CONFERENCE HELD
MATTER SCHEDULED FOR AN ADDITIONAL TELEPHONIC STATUS
CONFERENCE
Sent via email to P-1's attorney on 2020-11-20 10:20:20 AM:
LAFAYETTE E TOLLIVER
tolliver@juno.com
Sent via email to D-2's attorney on 2020-11-20 10:20:20 AM:
JEFFREY B CHARLES
jeffrey.charles@toledo.oh.gov
Sent via email to D-2's attorney on 2020-11-20 10:20:20 AM:
DALE R EMCH
DALE.EMCH@TOLEDO.OH.GOV
Sent via email to D-1's attorney on 2020-11-20 10:20:20 AM:
CHRISTOPHER E COTTER
ccotter@ralaw.com
Sent via email to D-1's attorney on 2020-11-20 10:20:20 AM:
LIDIA B EBERSOLE
LEBERSOLE@RALAW.COM
PARTY : P1 - TILLMAN KRYSTAL
- 11/20/2020 1 Title : PLD:AMENDED COMPLAINT
FIRST AMENDED COMPLAINT WITH JURY DEMAND
PARTY : P1 - TILLMAN KRYSTAL
- 12/4/2020 1 Title : RETURN OF SERVICE ON SUBPOENA
SERVED ON 12/03/2020 BY SERVING MGT TIM
\$18
FAMILY DOLLAR STORES OF OHIO INC
1121 NORTH REYNOLDS RD
TOLEDO OH 43614
PARTY : P1 - TILLMAN KRYSTAL
- 12/15/2020 1 Title : PLD:NOTICE OF APPEARANCE FILED
PARTY : D1 - FAMILY DOLLAR STORES OF OHIO INC
- 12/15/2020 2 Title : PLD:AMENDED COMPLAINT
2ND AMENDED
PARTY : P1 - TILLMAN KRYSTAL
- 12/21/2020 1 Title : ORD:ORDER
This matter came before the Court this 21st day of
December, 2020, for a status pretrial conference.
Telephonically present were attorneys Lafayette Tolliver,
Lidia Ebersole, and Terrance Green, on behalf of their
respective clients. Based on discussion with counsel, the
correct parties have been added to this matter. Plaintiff
has represented that due to another officer arriving to
the scene on the date of the allegations, an additional

amended complaint will be forthcoming naming said officer. Defendant represents to the Court that this matter may be removed to the United States District Court, Northern District of Ohio.

The Court hereby schedules this matter for an additional telephonic status conference on February 10, 2021 at 1:00 p.m. The Court will initiate the call.

IT IS SO ORDERED.

PARTY :-

- 12/23/2020 1 Title : EVT:ORDER FILE & JOURN EFF6/13
E JOURNALIZED 12-28-2020
PERTAINING TO:STATUS PRETRIAL CONFERENCE HELD
MATTER SCHEDULED FOR AN ADDITIONAL TELEPHONIC STATUS
CONFERENCE
Sent via email to P-1's attorney on 2020-12-28 11:08:56 AM:
LAFAYETTE E TOLLIVER
tolliver@juno.com
Sent via email to D-2's attorney on 2020-12-28 11:08:56 AM:
JEFFREY B CHARLES
jeffrey.charles@toledo.oh.gov
Sent via email to D-2's attorney on 2020-12-28 11:08:56 AM:
DALE R EMCH
DALE.EMCH@TOLEDO.OH.GOV
Sent via email to D-1's attorney on 2020-12-28 11:08:56 AM:
CHRISTOPHER E COTTER
ccotter@ralaw.com
Sent via email to D-1's attorney on 2020-12-28 11:08:56 AM:
LIDIA B EBERSOLE
LEBERSOLE@RALAW.COM
PARTY : P1 - TILLMAN KRYSTAL
- 12/28/2020 1 Title : MTN:EXTENSION OF TIME FILED
DEFENDANT FAMILY DOLLAR STORES OF OHIO INC'S MOTION FOR
EXTENSION TO FILE A RESPONSIVE PLEADING TO PLAINTIFF'S
FOURTH AMENDED COMPLAINT AND CAPTIONED AS A SECOND
AMENDED COMPLAINT
PARTY : D1 - FAMILY DOLLAR STORES OF OHIO INC
- 12/30/2020 1 Title : MTN:EXTENSION OF TIME FILED
MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS
SECOND AMENDED COMPLAINT
PARTY : D2 - J GOETZ BADGE 2641
- 1/5/2021 1 Title : PRO:MTN FOR EXTENSION GRANTED
After careful consideration and for good cause shown, the
Court hereby grants Defendant's Motion for extension of
Time to Respond to Plaintiff's Second Amended Complaint.
The Court grants Defendant Officer J. Goetz until February
9, 2021 to respond.
IT IS SO ORDERED.
PARTY : D2 - J GOETZ BADGE 2641
- 1/5/2021 2 Title : PRO:MTN FOR EXTENSION GRANTED
This matter comes before the Court upon Defendant Family

Dollar Stores of Ohio, Inc.'s Motion for Extension of Time to Move, Respond, or Plead to Plaintiffs Fourth Amended Complaints Second Amended Complaint. Upon due consideration and for good cause shown, the court finds the Motion to be well taken and hereby grants the same. IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the deadline to file a responsive pleading to Plaintiff's Fourth Amended Complaint, captioned as the Second Amended Complaint, is extended until February 2, 2021. IT IS SO ORDERED.

PARTY : D1 - FAMILY DOLLAR STORES OF OHIO INC

1/6/2021 1 Title : EVT:ORDER FILE & JOURN EFF6/13
E JOURNALIZED 01-07-2021
PERTAINING TO:DEFT FAMILY DOLLAR STORES OF OHIO, INC.'S
MOTION FOR EXTENSION OF TIME IS GRANTED
Sent via email to P-1's attorney on 2021-01-07 03:54:58 PM:
LAFAYETTE E TOLLIVER
tolliver@juno.com
Sent via email to D-1's attorney on 2021-01-07 03:54:58 PM:
CHRISTOPHER E COTTER
ccotter@ralaw.com
Sent via email to D-1's attorney on 2021-01-07 03:54:58 PM:
LIDIA B EBERSOLE
LEBERSOLE@RALAW.COM
Sent via email to D-2's attorney on 2021-01-07 03:54:58 PM:
JEFFREY B CHARLES
jeffrey.charles@toledo.oh.gov
Sent via email to D-2's attorney on 2021-01-07 03:54:58 PM:
DALE R EMCH
DALE.EMCH@TOLEDO.OH.GOV
PARTY : P1 - TILLMAN KRYSTAL

1/6/2021 2 Title : EVT:ORDER FILE & JOURN EFF6/13
E JOURNALIZED 01-07-2021
PERTAINING TO:DEFTS MOTION FOR AN EXTENSION OF TIME IS
GRANTED
Sent via email to P-1's attorney on 2021-01-07 03:54:58 PM:
LAFAYETTE E TOLLIVER
tolliver@juno.com
Sent via email to D-2's attorney on 2021-01-07 03:54:58 PM:
JEFFREY B CHARLES
jeffrey.charles@toledo.oh.gov
Sent via email to D-2's attorney on 2021-01-07 03:54:58 PM:
DALE R EMCH
DALE.EMCH@TOLEDO.OH.GOV
Sent via email to D-1's attorney on 2021-01-07 03:54:58 PM:
CHRISTOPHER E COTTER
ccotter@ralaw.com
Sent via email to D-1's attorney on 2021-01-07 03:54:58 PM:
LIDIA B EBERSOLE
LEBERSOLE@RALAW.COM
PARTY : P1 - TILLMAN KRYSTAL

- 1/15/2021 1 Title : CLS:REMOVE TO FEDERAL COURT
Pursuant to the Notice of Removal, filed on 01/15/2021.
PARTY : D2 - J GOETZ BADGE 2641
- 1/15/2021 3 Title : PLD:NOTICE OF REMOVAL
PARTY : D2 - J GOETZ BADGE 2641

Disclaimer : The public record information available here reflects the docket entries and journals required by Ohio law to be kept by the Lucas County Clerk of the Court of Common Pleas. This information reflects the actual documents filed and kept at the Clerk of Courts Legal Division, located in the Lucas County Courthouse, at Adams and Erie Streets in Toledo, Ohio, 43624. The data entry, though generally deemed reliable, cannot be guaranteed. The information may appear on the Internet Docket before the entry is actually signed and journalized. Of course the proposed action is official only when signed and journalized. In no event shall the Lucas County Clerk of the Court of Common Pleas, or any other Lucas County department, agency, or official be held liable for damage of any nature, direct or indirect, arising from the use of this Internet product; including loss of profits, loss of savings, or other incidental or consequential damages.